

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

8 MERRY WEST,)
9 Petitioner,) 2:10-CV-02086-JCM-RJJ
10 vs.)
11 SHERYL FOSTER, et al.) ORDER
12 Respondents.)

This is an action on a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 brought by petitioner Merry West, appearing in pro se. The respondents' motion to dismiss was decided and petitioner was given an opportunity to return to state court to exhaust a single ground for relief. The matter was stayed for that purpose. Now, before the court is petitioner's motion to reopen the case (ECF No. 43). Respondents opposed the motion because the appeal of the denial of relief had not been decided. ECF No. 44. Petitioner's reply demonstrates that the appeal has been rejected by the Nevada Supreme Court. ECF No. 45. Thus, it appears that the state court proceedings have been completed. The motion to reopen shall be granted.

IT IS THEREFORE ORDERED that the motion to reopen (ECF No. 44) is GRANTED. The clerk shall reopen the file.

23 **IT IS FURTHER ORDERED** that respondents shall have thirty days to file their answer to the
24 petition, which shall include all affirmative and procedural defenses to ground 5(c). The court will not
25 entertain procedural defenses to other grounds for relief, pursuant to its Order of January 31, 2011 (ECF
26 No. 6). Thereafter, petitioner shall have thirty days to respond. Respondents shall have fifteen days to

1 file any reply to procedural arguments raised as to ground 5(c) only. Thereafter, the court will enter its
2 decision.

3 Dated May 15, 2013.

4 
5 UNITED STATES DISTRICT JUDGE

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